

# Notice of Allowability

Application No.

10/728,726

Examiner

Lawrence D. Ferguson

Applicant(s)

BURKE ET AL.

Art Unit

1774

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/16/07.
2. ☒ The allowed claim(s) is/are 2,3,5,7,8,10,12 and 13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### ***Reasons for allowance***

1. Claims 2-3, 5, 7-8, 10 and 12-13 are allowed and renumbered as claims 1-8.

Claims 1, 4, 6, 9 and 11 have been cancelled by Applicant.

2. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or suggest the recited thin polymer film comprising one or a blend of non-polyolefin resins further including a migratory additive comprising a blend of secondary amides about 1 part oleyl palmitamide and 1 part stearyl erucamide, and further comprising between 25 ppm and 5000ppm of a primary amide of general structure  $R-CO-NH_2$  and between 25 ppm and 5000ppm of at least one secondary amide of general structure  $R-CO-NH-R'$ , wherein the R and R' can include any of erucic, oleic, palmitic, behemic, capric, lauric or stearic functional groups of between 9 to 30 carbon atoms, such that the ratio of primary amide to secondary amide is between about 1:1 and 1:3.

The prior art of record does not teach or suggest the recited thin polymer film comprising one or a blend of polyolefins further including a migratory additive comprising a blend of secondary amides about 1 part oleyl palmitamide and 1 part stearyl erucamide, and further comprising between 25 ppm and 5000ppm of a primary amide of general structure  $R-CO-NH_2$  and between 25 ppm and 5000ppm of at least one secondary amide of general structure  $R-CO-NH-R'$ , wherein the R and R' can include any of erucic, oleic, palmitic, behemic, capric, lauric or stearic functional groups

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of between 9 to 30 carbon atoms, such that the ratio of primary amide to secondary amide is between about 1:1 and 1:3.

The prior art of record also does not teach or suggest the recited thin, multi-layer film further including a migratory additive comprising a blend of secondary amides about 1 part oleyl palmitamide and 1 part stearyl erucamide, and further comprising between 25 ppm and 5000ppm of a primary amide of general structure  $R-CO-NH_2$  and between 25 ppm and 5000ppm of at least one secondary amide of general structure  $R-CO-NH-R'$ , wherein the R and R' can include any of erucic, oleic, palmitic, behemic, capric, lauric or stearic functional groups of between 9 to 30 carbon atoms, such that the ratio of primary amide to secondary amide is between about 1:1 and 1:3.

The prior art does not teach motivation or suggestion for modification to make the invention as instantly claimed.

Any comments considered by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (571) 272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM - 5:30 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The telecopier number for accessing the facsimile machine is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lawrence D. Ferguson  
Examiner  
Art Unit 1774



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